

On May 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 441 cans of frozen eggs, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped for and on the order of S. E. Clark (Inc.), from Chicago, Ill., on or about June 30, 1930, and had been transported from the State of Illinois into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "White House Brand \* \* \* Frozen Eggs Whites & Yolks Mixed. H. M. Noack & Sons Arlington, Minn."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On June 1, 1931, the Joe Lowe Corporation, Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that the portion of the product that was not adulterated be separated from the decomposed portion under the supervision of this department, and the unfit portion denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18619. Adulteration and misbranding of Za-Rex fruit sirups. U. S. v. 1,182 Cases of Za-Rex Fruit Sirups. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D.) No. 26224. I. S. Nos. 20129 to 20136, incl., 20217 to 20224, incl. S. No. 4508.)**

Examination of sample bottles of the variously flavored fruit sirups from the shipments herein described showed that the bottles contained less than the volume declared on the label; that the cherry sirup contained benzaldehyde, an added artificial flavor; that the pineapple sirup contained undeclared artificial color; and that the punch sirup was colored with a coal-tar color and not a vegetable color, as represented by the label.

On April 20, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,182 cases of Za-Rex fruit sirups, remaining in the original unbroken packages at New York, N. Y., consigned at various times by the same firm under the names of Rex Food Prod. Co., Za-Rex Co., Za-Rex Co. (Inc.), or Zarex Food Prod., alleging that the articles had been shipped from Boston, Mass., between the dates of May 17, 1930 and August 16, 1930, and had been transported from the State of Massachusetts into the State of New York. It was charged that the articles were misbranded in violation of the food and drugs act as amended, and that the cherry sirup also was adulterated.

The so-called punch was labeled in part: "Za-Rex \* \* \* Contents One Pint Punch \* \* \* Pure Vegetable Color \* \* \* Manufactured and Guaranteed by Za-Rex Food Products, Inc., Boston, Mass." The remaining sirups were labeled in part: "Za-Rex \* \* \* Contents One Pint Raspberry [or "Cherry," "Strawberry," "Lemon and Lime," "Lemon," "Pineapple," or "Orange"] \* \* \* Manufactured and Guaranteed by The Za-Rex Company, Inc., Boston, Mass."

Adulteration of the cherry sirup was alleged in the libel for the reason that artificial flavor had been substituted in part for the article, and for the further reason that it was mixed with artificial flavor in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to all products for the reason that the statement on the label, "Contents One Pint," was false and misleading and deceived and misled the purchaser; and for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct. Misbranding was alleged with respect to the pineapple, cherry, and punch sirups for the further reason that the designation "Pineapple" was false and misleading, and deceived and misled the purchaser when applied to an artificially-colored product; the statements, "Cherry \* \* \* A Pure Fruit Juice Flavored Syrup," were false and misleading and deceived and misled the purchaser when applied to an artificially flavored product; and the statement, "Pure Vegetable Color" appearing in the labeling of the punch sirup,

was false and misleading, and deceived and misled the purchaser when applied to an article colored with Amaranth, a coal-tar dye.

On June 23, 1931, the Zarex Co. (Inc.), Boston, Mass., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that the said pineapple, cherry, and punch sirups be relabeled and that all bottles be refilled to bring the volume up to the declared contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18620. Adulteration and misbranding of Za-Rex fruit sirups. U. S. v. 85 Dozen Cases of Za-Rex Strawberry Fruit Juice Syrup, et al. Decree of condemnation and forfeiture. Products released under bond.** (F. & D. No. 26352. I. S. Nos. 9847 to 9850, incl., 16180 to 16187, incl. S. No. 4647.)

Examination of sample bottles of the variously flavored fruit sirups from the shipments herein described showed that the jugs contained less than the volume declared on the label; that the cherry sirup contained benzaldehyde, an added artificial flavor; and that the labels of certain of the products represented that they were colored with vegetable color, whereas they were colored with coal-tar dyes.

On May 14, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 463 dozen cases of Za-Rex fruit juice sirups of assorted flavors, remaining in the original unbroken packages at Baltimore, Md., alleging that the articles had been shipped by the Za-Rex Co. (Inc.), from Boston, Mass., in various consignments between the dates of June 16, 1930 and August 5, 1930, and had been transported from the State of Massachusetts into the State of Maryland. It was charged that the articles were misbranded in violation of the food and drugs act as amended, and that the cherry sirup also was adulterated.

The articles were contained in bottles labeled in part: "Za-Rex \* \* \* Contents One Pint Strawberry [or "Raspberry," "Cherry," "Grape," "Orange," "Lemon," "Lemon and Lime," or "Punch"] \* \* \* Manufactured and Guaranteed by The Za-Rex Company, Inc. Boston, Mass." With the exception of the punch sirup they were further labeled, "A Pure Fruit Juice Flavored Syrup." The declaration "Certified Color" appeared on all labels with the exception of a portion of the raspberry and grape sirups, on the labels of which the statement "Vegetable Color" appeared.

Adulteration was alleged in the libel with respect to the cherry sirup for the reason that artificial flavor had been substituted in part for a cherry fruit-juice flavored sirup, which the article purported to be, and for the further reason that the article was mixed with artificial flavor in a manner whereby its inferiority was concealed.

Misbranding was alleged with respect to all products for the reason that the statement, "Contents 1 pint," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to articles which were short of the declared volume; and for the further reason that the said articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct. Misbranding of the cherry, grape, and raspberry sirups was alleged for the further reason that the statement, "Cherry A Pure Fruit Juice Flavored Syrup," was false and misleading, and deceived and misled the purchaser when applied to an artificially flavored product; and in that the statement, "Vegetable Color," appearing on the labels of a portion of the grape and raspberry sirups was false and misleading, and deceived and misled the purchaser when applied to articles colored with coal-tar dye.

On June 23, 1931, the Za-Rex Co. (Inc.), Boston, Mass., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that they should not be sold or disposed of until relabeled so as to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*